

IN THE CIRCUIT COURT OF CEDAR COUNTY
STATE OF MISSOURI

STATE OF MISSOURI,)
Plaintiff,)
)
) Case No. 21CD-CR00485
v.) OCN:
)
DAVID SMOCK,)
Defendant.)

FELONY COMPLAINT

COMES NOW the Brandi McInroy, Special Prosecutor for Cedar County, State of Missouri, and states the following:

COUNT I

Sexual Misconduct Involving a Child – Class E Felony
Charge Code: 566.083-002Y20173699.0

Special Prosecutor for Cedar County, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 566.083, RSMo, committed the class E felony of sexual misconduct involving a child, punishable upon conviction under Sections 566.083, 558.011, and 558.002, RSMo, in that on or between August 13, 2018, and August 12, 2019, in the County of Cedar, State of Missouri, the defendant knowingly exposed defendant's genitals to, and masturbated in front of, Confidential Victim #1, a child less than fifteen years of age, and did so for the purpose of arousing or gratifying the sexual desire of David Smock.

COUNT II

Statutory Sodomy First Degree – Unclassified Felony
Charge Code: 566.062-001Y20171199.0

Special Prosecutor for Cedar County, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 566.062, RSMo, committed the felony of statutory sodomy in the first degree, punishable upon conviction under Section 566.062, RSMo, and subject to lifetime supervision under Sections 217.735 and 559.106, RSMo, in that on or between August 13, 2018, and August 12, 2019, in the County of Cedar, State

of Missouri, the defendant for the purpose of arousing or gratifying the sexual desire of David Smock knowingly had deviate sexual intercourse with Confidential Victim #1, who was then a child less than fourteen years old, by touching Confidential Victim #1's penis with his hand and held Confidential Victim #1's penis in his hand.

COUNT III

Statutory Sodomy First Degree – Unclassified Felony

Charge Code: 566.062-001Y20171199.0

Special Prosecutor for Cedar County, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 566.062, RSMo, committed the felony of statutory sodomy in the first degree, punishable upon conviction under Section 566.062, RSMo, and subject to lifetime supervision under Sections 217.735 and 559.106, RSMo, in that on or between August 13, 2018, and August 12, 2019, in the County of Cedar, State of Missouri, the defendant for the purpose of arousing or gratifying the sexual desire of David Smock knowingly had deviate sexual intercourse with Confidential Victim #1, who was then a child less than fourteen years old, by placing his mouth on Confidential Victim #1's penis.

COUNT IV

Statutory Sodomy First Degree – Unclassified Felony

Charge Code: 566.062-001Y20171199.0

Special Prosecutor for Cedar County, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 566.062, RSMo, committed the felony of statutory sodomy in the first degree, punishable upon conviction under Section 566.062, RSMo, and subject to lifetime supervision under Sections 217.735 and 559.106, RSMo, in that on or between August 13, 2018, and August 12, 2019, in the County of Cedar, State of Missouri, the defendant for the purpose of arousing or gratifying the sexual desire of David Smock knowingly had deviate sexual intercourse with Confidential Victim #1, who was then a child less than fourteen years old, by placing his mouth on Confidential Victim #1's penis.

COUNT V

Statutory Sodomy First Degree – Unclassified Felony

Charge Code: 566.062-001Y20171199.0

Special Prosecutor for Cedar County, State of Missouri, upon

information and belief, charges that the defendant, in violation of Section 566.062, RSMo, committed the felony of statutory sodomy in the first degree, punishable upon conviction under Section 566.062, RSMo, and subject to lifetime supervision under Sections 217.735 and 559.106, RSMo, in that on or between July 1, 2019 and August 12, 2019, in the County of Cedar, State of Missouri, the defendant for the purpose of arousing or gratifying the sexual desire of David Smock knowingly attempted to have deviate sexual intercourse with Confidential Victim #1, who was then a child less than fourteen years old, by touching his penis to the buttocks of Confidential Victim #1, in an attempt to have anal sexual intercourse.

COUNT VI

Attempted Statutory Sodomy Second Degree – Class E Felony Charge Code: 566.064-001Y20171199.1

Special Prosecutor for Cedar County, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 566.064, RSMo, committed the class E felony of attempted statutory sodomy in the second degree, punishable upon conviction under Sections 562.012, 558.002 and 558.011, RSMo, in that on or between August 13, 2019 and September 30, 2019, in the County of Cedar, State of Missouri, the defendant, for the purpose of arousing or gratifying the sexual desire of David Smock, knowingly placed his penis against the buttocks of Confidential Victim #1 while trying to spread apart the victim's buttock in order to have deviant sexual intercourse with Confidential Victim #1, and Confidential Victim #1 was less than seventeen years of age and the defendant was twenty-one years of age or older, and such conduct was a substantial step towards the commission of the offense of statutory sodomy in the second degree, and was done for the purpose of committing statutory sodomy in the second degree.

COUNT VII

Child Molestation Fourth Degree – Class E Felony Charge Code: 566.071-001Y20173699.0

Special Prosecutor for Cedar County, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 566.071, RSMo, committed the class E felony of child molestation in the fourth degree, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or between July 1, 2020 and July 31, 2020, in the County of Cedar, State of Missouri, the defendant, who was more than four years older than Confidential Victim #1, for the purpose of arousing or

gratifying the sexual desire of David Smock subjected Confidential Victim #1, who was then less than seventeen years of age, to sexual contact by placing his hand on Confidential Victim #1's penis and moving his hand while holding Confidential Victim #1's penis.

COUNT VIII
Stalking First Degree – Class E Felony
Charge Code: 565.225-007Y20175399.0

Special Prosecutor for Cedar County, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.225, RSMo, committed the class E felony of stalking, punishable upon conviction under sections 558.002 and 558.011, RSMo, in that on or between August 2, 2020, and April 1, 2021, in the County of Cedar, State of Missouri, the defendant did purposely, through his course of conduct, disturb another person, Confidential Victim #1, by engaging in a course of conduct directed at Confidential Victim #1 that served no legitimate purpose and that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed, and during the course of conduct, the defendant was twenty-one years of age or older and Confidential Victim #1 was seventeen years of age or younger.

The facts that form the basis for this information and belief are contained in the statement(s) of facts filed contemporaneously herewith, made a part hereof, and submitted as a basis upon which this court may find the existence of probable cause.

WHEREFORE, the Special Prosecutor for Cedar County, prays that an arrest warrant be issued as provided by law.

/s/ BRANDI McINROY

Brandi McInroy, Mo. Bar 58357
Special Prosecutor for Cedar County
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RANGE OF PUNISHMENT

COUNT I: The range punishment for a class E felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than one (1) year and not to exceed four (4) years; or by imprisonment for a special term not to exceed one (1) year in the county jail or other authorized penal institution; or by a fine not to exceed ten thousand dollars (\$10,000); or by both imprisonment and a fine. If money or property has been gained through the commission of the crime, any fine imposed may be not more than double the amount of the offender's gain from the commission of the crime.

COUNT II: The range of punishment for the unclassified felony of Statutory Sodomy First Degree is imprisonment in the Missouri Department of Corrections for life or a term of years not less than five years.

COUNT III: The range of punishment for the unclassified felony of Statutory Sodomy First Degree is imprisonment in the Missouri Department of Corrections for life or a term of years not less than five years.

COUNT IV: The range of punishment for the unclassified felony of Statutory Sodomy First Degree is imprisonment in the Missouri Department of Corrections for life or a term of years not less than five years.

COUNT V: The range of punishment for the unclassified felony of Statutory Sodomy First Degree is imprisonment in the Missouri Department of Corrections for life or a term of years not less than five years.

COUNT VI: The range punishment for a class E felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than one (1) year and not to exceed four (4) years; or by imprisonment for a special term not to exceed one (1) year in the county jail or other authorized penal institution; or by a fine not to exceed ten thousand dollars (\$10,000); or by both imprisonment and a fine. If money or property has been gained through the commission of the crime, any fine imposed may be not more than double the amount of the offender's gain from the commission of the crime.

COUNT VII: The range punishment for a class E felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than one (1) year and not to exceed four (4) years; or by imprisonment for a special term not to exceed one (1) year in the county jail or other authorized penal institution; or by a fine not to exceed ten thousand dollars (\$10,000); or by both imprisonment and a fine. If money or property has been gained

through the commission of the crime, any fine imposed may be not more than double the amount of the offender's gain from the commission of the crime.

COUNT VIII: The range punishment for a class E felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than one (1) year and not to exceed four (4) years; or by imprisonment for a special term not to exceed one (1) year in the county jail or other authorized penal institution; or by a fine not to exceed ten thousand dollars (\$10,000); or by both imprisonment and a fine. If money or property has been gained through the commission of the crime, any fine imposed may be not more than double the amount of the offender's gain from the commission of the crime.